

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 30, 2009. At the time of the Office Action, Claims 1-20 were pending in this Application. The Office Action set forth an election/restriction requirement of the claimed inventions between:

- I. Claims 1-19, drawn to an electrosurgical probe, (classified in class 604, subclass 41).
- II. Claim 20, drawn to method of treating tissue, (classified in class 604, subclass 500).

Applicants hereby elect, without traverse, to prosecute the invention of Group I, Claims 1-19. Accordingly, Applicants hereby withdraw Claim 20 without prejudice or disclaimer and submit that the withdrawn claims are subject to the filing of a divisional application. Applicants respectfully request consideration of Claims 1-19 and favorable action in this case.

### **Information Disclosure Statement**

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$180 for the IDS and any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.358.5925.

Respectfully submitted  
Attorney for Applicants,



Matthew Scheele  
Reg. No. 59,847

Date: 8/31/09

SEND CORRESPONDENCE TO:  
ARTHROCare CORPORATION  
CUSTOMER NO. **21394**  
512.358.5925  
512.391.3901 (fax)

Enclosure: 1) Information Disclosure Statement and PTO Form 1449, with copies of the references.